

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3972 OF 2005
IN
FIRST APPEAL (ST.) NO.14407 OF 2005**

Konkan Railway Corporation Ltd. ...Applicant

Versus

Sau.Shamal Suresh Kolage & Anr. ...Respondents

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Ms.Asha Bhambwani i/b. Ms.Lalita Panchakshri for the Applicant.
Mr.Sanskar Marathe for Respondent No.1.
Mr.Yogesh Dabke, AGP for Respondent No.2.

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**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: AUGUST 09, 2017**

P.C. :

1. This Civil Application is moved for condonation of delay of 4 years and 62 days in filing First Appeal. In the First Appeal, an Award dated 20.01.2001 in Land Reference No. 144/1994 passed by the learned Civil Judge, Senior Division, Ratnagiri is challenged.

2. Learned counsel for the applicant submits that the applicant is a stakeholder, but not made a party to the said reference. The applicant has deposited the entire amount of compensation as per the Award alongwith interest accrued thereon. She further submits that the applicant was not made a party to the reference. After obtaining leave

to file, the applicant has filed this Appeal and therefore, the delay of 4 years 62 days be condoned.

3. Learned counsel for respondent no.1/original claimant opposed this Civil Application and has submitted that no justifiable ground is made out in the application for condonation of delay.

4. The applicant was not made a party to the said reference and the land is acquired for the benefit of the applicant and it is a Government Body.

5. In view of the reason mentioned in paragraph no. 4 of the Civil Application, the delay is condoned. Civil Application is allowed in terms of prayer clause (a).

6. First Appeal be registered and place the same for admission on 20.09.2017.

(MRIDULA BHATKAR, J.)